



Fonovisa, Inc., Fueled by Ramen LLC, LaFace Records LLC, Nonesuch Records Inc., Rhino Entertainment Company, Roadrunner Records, Inc., Roc-A-Fella Records, LLC, Tooth & Nail, LLC, and Zomba Recording LLC (together, “Plaintiffs”) move the Court to extend the deadline for them to respond to Defendant Grande Communications Networks LLC’s Motion for Summary Judgment (by just one week) to September 11, 2018, as follows:

On August 18, 2018, Defendant Grande Communications Networks LLC (“Grande”) filed its Motion for Summary Judgment (the “Motion for Summary Judgment”) [Doc. 140]. Pursuant to Fed. R. Civ. P. 6 and Local Rule CV-7(e)(2), the response to the Motion for Summary Judgment is due on Tuesday, September 4, 2018. Plaintiffs need additional time to respond to the Motion for Summary Judgment and ask the Court to extend their response deadline by only seven (7) days to September 11, 2018. Plaintiffs have not previously requested an extension of time to file a response brief in opposition to the Motion for Summary Judgment.

Multiple bases exist for Plaintiffs’ reasonable request. First, the current deadline falls immediately after Labor Day weekend during which individuals that are essential to preparing the response brief and supporting affidavit(s) have already scheduled vacations. In addition, the parties are in the throes of deposition discovery. The parties have agreed to set two depositions for the week of August 27 and four depositions for the week of September 4. Preparing for and taking these depositions will take time that otherwise could be used for preparing a response to the Motion for Summary Judgment. Lastly, Plaintiffs’ reply brief in support of their Motion for Summary Judgment as to Grande

Communications Networks LLC's DMCA Safe Harbor Defense is due on Wednesday, September 5.

As set forth in detail in the Certificate of Conference below, this motion is opposed. When Plaintiffs' counsel conferred with defense counsel about the requested relief, Plaintiffs' counsel offered to similarly extend Grande's deadline to file a reply in support of the Motion for Summary Judgment by one week. Grande, however, refused to agree to Plaintiffs' request for an extension of time and offer for a reciprocal extension.

Accordingly, Plaintiffs ask the Court to extend their deadline to respond to the Motion for Summary Judgment to September 11, 2018. This extension is not being sought for purposes of delay, but rather so that the issues involved in this case can be properly briefed to this Court.

Respectfully submitted,

SCOTT DOUGLASS & McCONNICO LLP  
303 Colorado Street, Suite 2400  
Austin, Texas 78701  
(512) 495-6300 Telephone  
(512) 495-6399 Facsimile

By: /s/ Daniel C. Bitting  
Daniel C. Bitting  
State Bar No. 02362480  
dbitting@scottdoug.com

*Attorneys for Plaintiffs*

**CERTIFICATE OF CONFERENCE**

The undersigned certifies that, on August 27, 2018, Plaintiffs' counsel, Mr. Robert Gilmore, conferred with Grande's counsel, Mr. Richard Brophy. Mr. Gilmore requested a one week extension of time to file Plaintiffs' Response in Opposition to Defendant Grande Communications Networks LLC's Motion for Summary Judgment. With the request, Mr. Gilmore offered to extend the deadline for Grande to file a reply by one week, as well. Per Mr. Brophy's request, Mr. Gilmore summarized the reasons that Plaintiffs need the extension. Mr. Brophy, on behalf of Grande, instructed Mr. Gilmore to inform the Court that the requested extension is opposed and Grande will file a response to the foregoing motion within one business day.

/s/ Daniel C. Bitting

Daniel C. Bitting

**CERTIFICATE OF SERVICE**

The undersigned certifies that, on August 27, 2018, all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system pursuant to Local Rule CV-5(b)(1).

/s/ Daniel C. Bitting

Daniel C. Bitting